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Attorneys for Plaintiff
**AETNA LIFE INSURANCE COMPANY,
 ON BEHALF OF LEHMAN BROTHERS
 HOLDINGS, INC.**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

**AETNA LIFE INSURANCE COMPANY,
 ON BEHALF OF LEHMAN BROTHERS
 HOLDINGS, INC.,**

Plaintiff,

vs.

**THOMAS KOHLER and DIANE KIMSEU
 KOHLER,**

Defendants.

Case No. C-11-00439-CW

**STIPULATION AND ~~[PROPOSED]~~
 ORDER REGARDING WAIVER OF
 RESPECTIVE RIGHTS TO APPEAL
 AND TO MOVE FOR ATTORNEY'S
 FEES AND NONTAXABLE COSTS**

This Stipulation is made and entered into by and among Plaintiff Aetna Life Insurance Company (the "Plaintiff") and Defendants Thomas Kohler and Diane Kimseu Kohler ("Defendants") (collectively, "Parties") regarding their respective rights to (a) move for attorney's fees and nontaxable costs and (b) seek reconsideration of or relief from, or appeal the Order Granting Plaintiff's Motion for Summary Judgment (Docket #50) (the "MSJ Order") and the Judgment (Docket #51) (the "Judgment"). The Parties stipulate and agree to the following:

1. Defendants shall not, and forever waive all rights to: (a) move for reconsideration of, (b) move for relief from, (c) appeal, or (d) in any other manner, challenge or contest the validity of, the MSJ Order and/or the

Judgment.

2. In exchange for Defendants' waiver in paragraph 1, Plaintiff forever waives all rights to move for attorney's fees and nontaxable costs incurred by Plaintiff up to the date of this Stipulation;

3. Should Defendants breach the terms of this Stipulation in any way, Defendants shall be responsible for all attorney's fees and costs that are incurred by Plaintiff to enforce this Stipulation, as well as the reasonable attorney's fees and costs incurred in obtaining the MSJ Order and/or the Judgment.

The Parties request that the Court close its file for this matter.

IT IS SO STIPULATED.

DATED: November 29, 2011

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By: /s/Clarissa A. Kang
 Clarissa A. Kang
Attorneys for Plaintiff
 Aetna Life Insurance Company, on behalf of
 Lehman Brothers Holdings, Inc.

DATED: November 29, 2011

THE DOLAN LAW FIRM

By: /s/Christopher Dolan
 Christopher Dolan
Attorneys for Defendants
 Thomas Kohler and Diane Kimseu Kohler

I attest that my firm has obtained Mr. Dolan's concurrence in the filing of this document.

DATED: November 29, 2011

TRUCKER ♦ HUSS

By: /s/Clarissa A. Kang
 Clarissa A. Kang

PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 2, 2011



Hon. Claudia Wilken
Judge of the United States District Court

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